

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE AUTOMOBILE)	
MECHANICS' INDUSTRY WELFARE)	
AND PENSION FUNDS LOCAL 701)	
Plaintiffs,)	
)	No. 08 C 1972
v.)	
)	Judge Castillo
AZTEC MATERIAL SERVICE CORP., an)	
Illinois corporation)	
)	Magistrate Brown
Defendant.)	

MOTION FOR JUDGMENT IN SUM CERTAIN

Plaintiffs, AUTOMOBILE MECHANICS LOCAL 701 WELFARE AND PENSION FUNDS, by one of their attorneys, PAUL M. EGAN and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter Judgment in a Sum Certain in favor of Plaintiffs and against Defendants, AZTECA MATERIAL SERVICE CORP., an Illinois corporation.

In support thereof, Plaintiffs state:

1. This case was filed on April 7, 2008.
2. Defendant was served with the Summons and Complaint on April 11, 2008.
(Exhibit A.)
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
4. Per affidavit of Don Alcott, Defendant AZTEC MATERIAL SERVICE CORP., owes contributions for the month of January 2008, in the amount of \$17,864.00 for the Welfare Fund and \$6,724.00 for the Pension Fund. (Exhibit B).

5. Per the affidavit of Paul M. Egan, attorney for Plaintiffs in legal fees and expenses \$1,725.00 has been incurred in this suit. (Exhibit C)

WHEREFORE, Plaintiffs pray that judgment be rendered in the amount of \$26,313.00 against Defendant, AZTEC MATERIAL SERVICE CORP., and in favor of the Plaintiffs, TRUSTEES OF THE AUTOMOBILE MECHANICS' INDUSTRY WELFARE AND PENSION FUNDS LOCAL 701.

Respectfully submitted,

TRUSTEES OF THE AUTOMOBILE
MECHANICS' INDUSTRY WELFARE
AND PENSION FUNDS LOCAL 701

By: s/Paul M. Egan
One of their Attorneys

Paul M. Egan
ARNOLD AND KADJAN
19 West Jackson Blvd.
Chicago, Illinois 60604
(312) 236-0415

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

TRUSTEES OF THE AUTOMOBILE MECHANICS'
INDUSTRY WELFARE AND PENSION FUNDS LOCAL 701

Plaintiffs,

V.

AZTEC MATERIAL SERVICE CORP.,
AN ILLINOIS CORPORATION

Defendant.

CASE NUMBER: 08CV 1972

ASSIGNED JUDGE JUDGE CASTILLO

DESIGNATED
MAGISTRATE JUDGE:

MAGISTRATE JUDGE BROWN

TO: (Name and address of Defendant)

AZTEC MATERIAL SERVICE, CORP.
C/O ITS REGISTERED AGENT, JOEL E. ARCE
3624 W. 26TH STREET, 2ND FLOOR
CHICAGO, IL 60623

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

PAUL M. EGAN
ARNOLD AND KADJAN
19 WEST JACKSON BLVD., SUITE 300
CHICAGO, IL 60604
(312) 236-0415

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

Michael W. Dobbins, Clerk

Nadine Shirley

(By) DEPUTY CLERK

April 7, 2008

Date

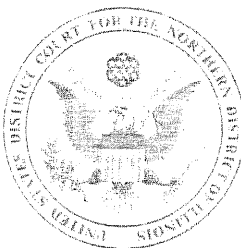


Exhibit A.

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE APRIL 11, 2008 AT 10:00 AM
NAME OF SERVER (PRINT) SCOTT POCHINS	TITLE INVESTIGATOR

Check one box below to indicate appropriate method of service

- ☒ AZTEC MATERIAL SERVICE CO. G/O REGISTERED AGENT -
☐ Served personally upon the defendant. Place where served: JOEL E. ARCE

AT THE BUSINESS OFFICE - 3624 W. 26TH STREET, 2ND FLOOR, CHICAGO, IL 60623

HE CAN BE DESCRIBED AS M/W, 35 YEARS OF AGE, SHORT BROWN HAIR.

- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- ☐ Returned unexecuted:

- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

4/11/08

Date

Signature of Server

Scott Pochins

THE ARGUS AGENCY INC.
 1400 RENAISSANCE DR. STE 200
 PARK RIDGE IL 60068

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

FROM

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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TRUSTEES OF THE AUTOMOBILE
MECHANICS' INDUSTRY WELFARE
AND PENSION FUNDS LOCAL 701

Plaintiffs,

v.

AZTEC MATERIAL SERVICE CORP., an
Illinois corporation

Defendant.

No. 08 C 1972

Judge Castillo

Magistrate Brown

AFFIDAVIT

Donald H. Alcott, upon being first duly sworn, on oath deposes and states:

1. Affiant is, Fund Administrator of the Automobile Mechanics Local 701 Welfare and Pension Funds ("Funds").
2. The Funds are in receipt of the monthly remittance report for delinquencies and penalties thru the month of January 2008 from Aztec Material Service Corp.
3. The reports and records show arrears owing to the Funds, in the amount of \$17,864.00 for the Welfare Fund and \$6,724.00 for the Pension Fund.
4. The total due to the Plaintiffs including arrearages, but excluding attorneys' fees and court costs, is \$24,588.00.

EXHIBIT B

FROM

(THU) JUN 19 2008 15:19/ST. 15:18/No. 7500000546 P 3

5. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing

FURTHER AFFIANT SAYETH NOT.


DONALD H. ALCOTT

SUBSCRIBED AND SWORN to
before me this 19th day
of June, 2008


NOTARY PUBLIC



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE AUTOMOBILE)	
MECHANICS' INDUSTRY WELFARE)	
AND PENSION FUNDS LOCAL 701)	
Plaintiffs,)	
)	No. 08 C 1972
v.)	
)	Judge Castillo
AZTEC MATERIAL SERVICE CORP., an)	
Illinois corporation)	
)	Magistrate Brown
Defendant.)	

AFFIDAVIT

Paul M. Egan, upon being first duly sworn, on oath deposes and states:

1. Affiant is an associate in the Law Firm Arnold & Kadjan handling this case.
2. Our firm has spent 5 hours in litigation in this matter.
3. Our normal rate is \$260.00 per hour.
4. Our firm charged the Automobile Mechanics Local 701 Funds \$1,300.00 in attorneys' fees in this matter.
5. Our firm also charged the Automobile Mechanics Local 701 Funds \$350.00 for the court filing fee and \$75.00 process fee.
6. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

EXHIBIT C

FURTHER AFFIANT SAYETH NOT.

SUBSCRIBED AND SWORN to
before me this 23rd day
of June, 2008.


NOTARY PUBLIC


PAUL M. EGAN



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE AUTOMOBILE)	
MECHANICS' INDUSTRY WELFRE)	
AND PENSION FUNDS LOCAL 701)	
Plaintiffs,)	
)	No. 08 C 1972
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)	Judge Castillo
AZTEC MATERIAL SERVICE CORP., an)	
Illinois corporation)	
)	Magistrate Brown
Defendant.)	

JUDGMENT ORDER

THIS CAUSE coming on to be heard on Plaintiffs' Motion for Judgment in Sum Certain, all parties having been given due notice;

IT IS HEREBY ORDERED:

1. Judgment in the amount of \$26,313.00 is entered in favor of Plaintiffs, TRUSTEES OF THE AUTOMOBILE MECHANICS' INDUSTRY WELFARE AND PENSION FUNDS LOCAL 701, and against the Defendants, AZTEC MATERIAL SERVICE CORP., an Illinois corp.
2. This is a final and appealable order.

DATED: _____

ENTER: _____

HONORABLE JUDGE CASTILLO

Paul M. Egan
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415